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FSSAI PUBLISHES “AD-HOC” INSTRUCTIONS ON THE IMPORTED FOOD CLEARANCE

Report Categories:

Sanitary/Phytosanitary/Food Safety

Approved By:

David Leishman

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Report Highlights:

On October 13, 2011 the Food Safety and Standards Authority of India (FSSAI) published “ad-hoc guidelines related to imported food clearance process by FSSAI’s Authorized Officers.” On January 5, 2012 the FSSAI published “ad-hoc instructions related to imported food clearance process by FSSAI’s Authorized Officers regarding date of manufacture and batch number.” The FSSAI expects that these guidelines/instructions will facilitate trade, while at the same time, ensure the safety of imported food products.

General Information:

DISCLAIMER: The information contained in this report was retrieved from the following Government of India website <http://www.fssai.gov.in/>. The U.S. Government makes no claim of accuracy or authenticity.

Guidelines of October 13, 2011: Please see the next page for guidelines.

Most urgent

No.1/2008/Import Safety/FSSAI-Vol.II
Food Safety and Standards Authority of India
Ministry of Health & Family Welfare, Government of India
FDA Bhawan, Kotla Road
New Delhi-110 002

Dated: 12th October, 2011

Subject: Ad-hoc guidelines related Food Import Clearance Process by FSSAI's Authorized Officers-Reg.

Food Safety and Standard Authority of India (FSSAI) after due consideration of various operational issues raised by the stakeholders and to facilitate genuine trade while ensuring the mandate of safe food imports into India is issuing the following guidelines/clarifications with immediate effect till further orders in the matter:

1. In respect of Imported food items having very short Shelf-life (less than 7 days) such as fresh fruit, processed cheese etc., the Authorized Officer; after due verification of the short shelf-life of the food consignment, certificates of country of origin, Lab analysis report from internationally accredited laboratories in the countries notified by FSSAI, and having taken an undertaking from the Importer as per Annexure-A, will draw sample and issue Provisional NOC to the Customs, without waiting for the analysis report from lab. Upon the receipt of the analysis report from the lab, the same will be communicated to Customs along with NOC if products conform to the standard.

In case of failure of the sample, the Authorised Officer shall forthwith notify the Importer/CHA, while informing FSSAI headquarters, to recall that consignment immediately and submit a compliance report within 24 hours to the Authorised Officer and the FSSAI. FSSAI will issue suitable instructions with regard to the manner in which the failed consignment is to be dealt with. Authorised Officer will also initiate action as per the provisions of extant Rules & Regulations. FSSAI will alert all import points in the country regarding action to be taken with regard to maintaining vigil on imports of products manufactured by the same company or similar products imported by the same importer/CHA.

2. In case of imported food items requiring special storage conditions like -18 °C storage temperature etc., the Authorized Officer; after due verification of the true storage requirements for the food item, confirmation from the Air Cargo Operator/Custodian that such storage facilities are not available, Customs indicating a no objection to treat the importer warehouse as bonded area and the Importer providing an Undertaking as per Annexure-B to the effect that the Importer agrees to hold the consignment under controlled temperature in its storage facility. Based on Undertaking, Authorised Officer can provide a "Conditional Clearance Certificate" so that Importers can safely move the product to a well equipped storage facility for maintaining desired temperature without incurring the heavy demurrage charges.

In case of non-compliance of any of the condition of Annexure-B, the importer will not be eligible to avail of above mentioned facility in future besides other appropriate actions as per the provisions of extant Regulations.

In case of non-compliance of any of the condition of Annexure-B, the importer will not be eligible to avail of above mentioned facility in future besides other appropriate actions as per the prevailing law, rules, Regulations & instructions. The Authorised Officer will issue a NOC subsequent to the analysis report conforming to standards. The importer/customs shall ensure sale only after clearance based on NOC.

3. The Authorized Officers would ensure that during sampling non-aseptic packages/ cartons /containers are systematically opened to avoid any damage and thereafter re-seal the same in presence of CHA by putting the break open seal in the format given below.



**Food Safety and Standards
Authority of India**

fssai

Port Of Entry:

| | | |
|--|-------------------------|--|
| This Package is opened and a sample taken by the Authorised Officer of FSSAI, to have the same analyzed by a notified laboratory. Authorised Officer Seal | Location: _____ | This Package has to be re-sealed in my presence Initials of Customs House Agent |
| | Sample ID: _____ | |
| | Signature: _____ | |
| | Name Of Officer: _____ | |
| | Date: _____ Time: _____ | |

4. In case of highly priced imported food items, the Importer may opt for drawl of a single sample provided that the Importer/CHA gives an undertaking to the effect that they will not insist for retesting in the Referral Laboratory in case of non conformance of the sample in initial analysis. The Authorized Officer may draw single sample based on the merit of such request. Whenever two samples have been drawn, the Importers/CHAs may also claim the second Sample from the Authorized Officer, after 15 days from the date of the NOC against the consignment is issued.
5. In case of large aseptic packages, small representative samples of the same batch provided by the manufacturer along with an undertaking from the manufacturer to the effect that the representative sample provided with the packages is true representative of the product in all respect, may be accepted for analysis instead of opening of the aseptic packages. The importer/CHA shall ensure that representative samples for each batch are provided in duplicate for lab analysis. The Authorized Officer however reserves the right to insist on sampling from main large package in case there is any discrepancy with the representative sample or any other valid reason to be recorded in writing. However, wherever the importer has availed the right to appeal against the result of the testing of first representative sample no further/fresh request to draw another sample from the main consignment will be admissible if the second representative sample also fails.

6. Information on Vegetarian/Non-vegetarian logo, Name & Address of the Importer which are mandatory labelling requirements under PFA/FSS Act, and Regulations made there under are considered as rectifiable labelling deficiencies since these are not commonly practiced globally. Such information if missing on the imported food consignments can be affixed by the Importer/CHA upon arrival of import on Indian shores however strictly in the custom bonded warehouses. In this context, the label requirements which are not rectifiable are, Name of the Manufacturer; List of ingredients in descending order of composition by weight/volume; name & address of the manufacturer; information to determine date of manufacture and Best before date or expiry date; Batch no. or code no. or lot no.; Net weight or volume; and nutritional information In accordance with the provisions of the of the labelling Regulations.
7. Kaccha bill is a document usually considered for the commodities requiring expeditious clearance mostly at air cargo where consignments sometimes lands at odd hours such Kaccha Bills duly endorsed by concerned customs authority may be considered acceptable for drawl of sample by Authorised Officer. However, a report on the number & details of of Kaccha Bills used for non-perishable food products should be sent to the customs with a copy to the Director in-charge of the imported food clearance in FSSAI. The final clearance can only be issued against BOE.
8. There are number of food consignments lying at Custodian's premises e.g. Port Authority of India, Airport Authority of India and Central Warehousing Corporation etc. which have not been claimed by importers. This type of uncleared food consignments after sometime are auctioned by the Custodian. For this purpose, custodians are requesting FSSAI directly to issue NOC in respect to these consignments. In such cases the request for examination of food consignment should be routed through concerned customs authority of port of entry even in case the custodian is as per list of custodians approved by customs.
9. It has been reported by Authorised Officers that at certain ports, there is a practice of unloading the oil from the ship into shared storage tanks of importers without removing the remaining oil of previous consignment which is conforming to the standards. In case new consignment of oil fails to the standards, the entire quantity of oil including previously cleared oil shall have to be rejected. In this regard, Authorized Officers may create awareness among Importers/CHAs about the associated risk of loss in terms of rejection of good quality oil and may take necessary steps to rectify the above said existing practice.

This issues with the approval of the CEO, FSSAI.


(Dr. S.S. Ghonkrota)
Director
Ph. 011-23220994

To,

1. All FSSAI's Authorized Officers.
2. Dr. Arun K. Panda, Joint Secretary (R), Ministry of Health and Family welfare
Room no. 254-A, Nirman Bhawan, New Delhi. Tele-Fax- 011-23063156,
Email – arunpanda84@gmail.com
3. Mr. Sandeep M. Bhatnagar, Joint Secretary (Customs), Room No. 156 B, North Block,
Central Board of Excise and Customs, Department of Revenue, Ministry of Finance,
New Delhi. Ph- 011-23092978, Fax- 011-23093475, Email – jscus@nic.in- with
request for circulation to custom authorities at various ports of entries.

Copy to:

1. PS to Chief Executive Officer, FSSAI.
2. FSSAI's website.

Adesh
12/10/11

(Adesh Mohan)
Senior Inspecting Officer

Annexture -A

(On Non-Judicial Stamp Paper)
Undertaking

To,
The Authorised Officer

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Dear Sir,

I/We,Proprietor/Partners/Mangaing Director/
Directors of M/s.....are importer of (Name of
Food Items)..... having very short shelf life (less than 7
days) in the consignment (Bill of Entry)
dated.....at (port location).....request you to issue provisional NOC. I/We
hereby undertake to comply with the following terms and conditions on behalf of the
company as under.

- (a) I/We will be responsible for complete product recall in case of non-conformation of the product after lab analysis and comply with all the norms for destruction/ re-export as may be decided by the competent Authority.
- (b) I/We do hereby certify that we have satisfactory food recall mechanism in place.
- (c) In case of failure of product in lab analysis, I/We (importer) will not be eligible to avail of above mentioned facility in future and all subsequent imports of the product from the same manufacturer of the same source country or certified by the same lab will be subject to stringent 100% analysis irrespective of certificate issued by the source country prior to clearance by FSSAI Authorized Officer.
- (d) In case of non-conformation of the product after lab analysis, I/We (importer) will be liable for any other appropriate actions as as per the prevailing law, Rules, Regulations & instructions.

Thanking You,

Signature of Proprietor/Partners/ Mangaing Director /Directors
(Name of the Proprietor/Partners/ Mangaing Director /Directors)
{Company's Rubber Stamp }

Witness 1 Signature.....
Name:-
Address:-
Contact number:-

Witness 2 Signature.....
Name:-
Address:-
Contact number:-

Annexture -B

**(On Non-Judicial Stamp Paper)
Undertaking**

To,
The Authorised Officer
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Dear Sir,

I/We,Proprietor/Partners/Mangaing Director/
Directors of M/s.....are importer of (Name of
Food Items).....in the consignment (Bill of Entry)
.....dated.....at (port location).....
request you to issue provisional NOC. I/We hereby undertake to comply with the following
terms and conditions on behalf of the company as under:-

- (a) The entire consignment under above mentioned bill of entry will be retained in a storage facility with the require temperature control system at (address).....and no part of the consignment shall be released into market prior to issuance of the NOC.
- (b) Complete temperature log of the storage conditions shall be maintained and provided to FSSAI at the time of issue of NOC .
- (c) Both Customs and FSSAI have a right to inspect the facility at any time to ensure the consignment is held securely till the clearance certificate (NOC) is provided by FSSAI.
- (d) In case of non-conformance the I/We (importer) bears full responsibility to move the cargo back to Customs jurisdiction and comply with all the norms for destruction/ re-export as may be decided by the competent Authority.
- (e) In case of non-compliance of any of the above norms, I/We (importer) will not be eligible to avail of above mentioned facility in future. Besides, I/We (importer) will be liable for any other appropriate actions as as per the prevailing law, Rules, Regulations & instructions.

Thanking You,

Signature of Proprietor/Partners/ Mangaing Director /Directors
(Name of the Proprietor/Partners/ Mangaing Director /Directors)
{Company's Rubber Stamp }

Witness 1 Signature.....
Name:-
Address:-
Contact number:-

Witness 2 Signature.....
Name:-
Address:-
Contact number:-

Source: [FSSAI](#)

Instructions of January 5, 2012: Please see the next page for instructions.

Most Urgent

No. 1-17/FSSAI/T/2010
Food Safety and Standards Authority of India
Ministry of Health & Family Welfare, Govt. of India
FDA Bhawan, Kotla Road
New Delhi-110002

Dated: 15th December, 2011

Subject: **Ad-hoc instructions related to Imported Food Clearance Process by FSSAI's Authorized Officers regarding Date of Manufacture and Batch Number**

In recent times, Food Safety and Standards Authority of India (FSSAI) has been receiving many representations from food importers in India regarding minor labelling defects in the imported food articles. Various such representations were considered in FSSAI. After due consideration on operational issues and inconvenience suffered by the food importers in India, while ensuring the mandate of safe food imports into India and in continuation to FSSAI's ad-hoc guidelines of even number dated 12.10.2011 on the subject mentioned above, the undersigned is directed to convey the decision of the Competent Authority on the following minor labelling defects observed by the Authorized Officers, FSSAI at ports:

| S. No. | Defects | Decision |
|---------------|---|--|
| 1. | 'Date of Manufacture' which is supposed to be mentioned in the date, month and year format but is given in Julian format in the labels of the imported food consignments. | The 'Date of manufacture' will be given in date, month and year format on sticker in addition to the 'Date of manufacture' in Julian format already present in the labels along with the rectifiable labelling requirements viz. Name and address of the importer and vegetarian/non-vegetarian logo. The sticker should be pasted in a way that it does not mask the original 'Date of manufacture' in Julian format present in the labels. The defect may be rectified strictly in the custom's warehouse under supervision of customs department. |
| 2. | 'Batch number' which is present in the labels but is not preceded by a prefix such as Lot number/Lot/Code Number/ Code/Batch Number/ Batch or any other distinguishing prefix as per the Food Safety and Standards Regulation, 2011. | It has been decided by the Competent Authority that consignments without prefix such as Lot number/ Lot/Code Number/ Code/Batch Number/Batch or any other distinguishing prefix as per the Food Safety and Standards Regulation, 2011 shall be accepted subject to the condition that Authorized Officer, FSSAI will verify from the relevant documents from the manufacturer/exporter of the source country and satisfy himself that the numbers/ alphabets/ combination of numbers/alphabets present in the labels are a valid batch number/lot number/code number of that particular consignment. |

ADash

2. This decision will be applicable only for three months from the date of issue of this letter or till further orders, whichever is earlier. All food importers in India are requested to notify their manufacturers abroad/exporters of source country within these three months about ensuring the abovementioned labelling requirements of the food products being imported into India as per Food Safety and Standards Regulations, 2011. After lapse of these three months, no requests for relaxation regarding abovementioned minor labelling defects shall be entertained.

This issues with the approval of the Competent Authority.


15/12/11

(Adesh Mohan)
Senior Inspecting Officer
Ph.: 011-23237433

To

All Authorized Officers, FSSAI